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13 Attorneys for Defendants

14 **UNITED STATES DISTRICT COURT**
15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
(SAN JOSE DIVISION)

16 **COUNTY OF SANTA CRUZ, et al.**,)
17 Plaintiffs,)
18 v.)
19 **ERIC H. HOLDER, JR.**,)
Attorney General of the United States;)
MICHELE LEONHART,)
Acting Administrator of the)
Drug Enforcement Administration; and)
EDWARD H. JURITH,)
Acting Director of the Office of)
National Drug Control Policy,)
Defendants.)

) Civil Action No. 03-1802 JF

**CONSENT ORDER APPROVING
EX PARTE APPLICATION TO
CONTINUE STATUS CONFERENCE**

Date: None Set
Time: None Set

25 Pursuant to Local Rule 7-10, defendants Eric H. Holder, Jr., Attorney General of the United
26 States; Michele Leonhart, Acting Administrator of the Drug Enforcement Administration; and
27 Edward H. Jurith, Acting Director of the Office of National Drug Control Policy, hereby move *ex*
28

1 *parte* to continue the status conference currently scheduled for May 7, 2009, at 9:30 a.m., for 30
2 days, and to a date and time that is convenient for the Court. In support thereof, defendants state as
3 follows:

4 1. On March 23, 2009, this Court conducted a further case management conference and
5 scheduled a status conference for May 7, 2009, at 9:30 a.m., after which time the parties would
6 discuss with the Court in chambers whether this case needs to go forward.

7 2. The Department of Justice is formulating guidance for United States Attorney's offices
8 regarding enforcement policies and practices. That effort is ongoing, but not yet completed.
9 Defendants therefore do not believe a status conference and in-chambers discussion would be
10 productive at this time, and respectfully request that this Court continue the status conference for 30
11 days, at a date and time that is convenient for the Court. In this regard, the undersigned notes that
12 he will be unavailable on June 1, 2009, as he will be presenting oral argument before the United
13 States Court of Appeals for the First Circuit in United States v. Jamont Dubose, No. 08-2382.

14 3. The undersigned consulted on this date with co-counsel for the plaintiffs, Allen Hopper,
15 Litigation Director of the ACLU Drug Law Reform Project, who indicated that plaintiffs do not
16 oppose this request.

17 4. In the alternative, and for the reasons set forth above, defendants respectfully request that
18 the Court convert the status conference to a further case management conference, and allow the
19 undersigned to appear by telephone. The parties are in agreement, however, that a further case
20 management conference is not necessary at this time for the reasons above.

21 WHEREFORE, for the foregoing reasons, and with good cause having been shown,
22 defendants respectfully request that this Court continue the status conference scheduled for May 7,
23 2009, at 9:30 a.m., for 30 days, and to a date and time that is convenient for the Court.

Respectfully submitted,

TONY WEST
Assistant Attorney General

JOSEPH P. RUSSONIELLO
United States Attorney

ARTHUR R. GOLDBERG
Assistant Branch Director

/s/ Mark T. Quinlivan
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Dated: May 1, 2009

CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2009, I electronically filed the foregoing Consent *Ex Parte* Application to Continue Status Conference with the Clerk of the Court, using the CM/ECF system, which will send notification of such filing to the counsel of record in this matter who are registered on the CM/ECF system.

/s/ Mark T. Quinlivan
MARK T. QUINLIVAN
Assistant U.S. Attorney

The status conference is continued to June 12, 2009 at 10:30 a.m.

IT IS SO ORDERED

Dated: 5/5/09


JEREMY FOGEL
United States District Judge